

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

CONNECTU LLC,

Plaintiffs,

v.

MARK ZUCKERBERG, EDUARDO SAVERIN,  
DUSTIN MOSKOVITZ, ANDREW MCCOLLUM,  
CHRISTOPHER HUGHES, and FACEBOOK,  
INC.,

Defendants.

Civil Action No. 1:04-CV-11923 (DPW)

MARK ZUCKERBERG, and FACEBOOK, INC.,

Counterclaimants,

v.

CONNECTU LLC,

Counterdefendant,

and

CAMERON WINKLEVOSS, TYLER  
WINKLEVOSS, and DIVYA NARENDRA,

Additional Counterdefendants.

**ASSENTED-TO MOTION FOR RESCHEDULING  
OF THE SEPTEMBER 26, 2006 EVIDENTIARY HEARING  
REGARDING MEMBERSHIP OF CONNECTU LLC AS OF SEPTEMBER 2, 2004**

Defendants Mark Zuckerberg, Dustin Moskovitz, Andrew McCollum, Christopher Hughes, and Facebook, Inc. (collectively, "Facebook Defendants") respectfully request a brief adjournment and rescheduling of the evidentiary hearing set for Tuesday, September 26, 2006 before Magistrate Judge Robert B. Collings in order to complete discovery issued pursuant to the Court's Second Procedural Memorandum and Order of August 24, 2006 and due to scheduling conflicts. Counsel for plaintiff ConnectU LLC has assented to the relief sought by this motion.

If the Court is available, counsel for Facebook Defendants and ConnectU LLC are available the week of October 23, 2006, provided that the hearing date be set no later than October 26, 2006. In support of this motion, Facebook Defendants state as follows:

1. On August 24, 2006, Magistrate Judge Collings issued a Second Memorandum and Procedural Order in which he ruled that both Mark Zuckerberg and Divya Narendra were citizens of New York, and further scheduled an evidentiary hearing for September 26, 2006 to determine the issue of the membership of ConnectU on September 2, 2004.

2. The August 24, 2006 Memorandum and Order permits discovery on the issue of ConnectU LLC's membership as of the filing of the complaint. Facebook Defendants have served discovery and intend to depose several key witnesses directly related to the issue of ConnectU LLC's membership. Facebook Defendants anticipate that an adjournment and rescheduling of the September 26, 2006 hearing to the week of October 23, 2006 would allow sufficient time to complete outstanding discovery.

3. Counsel representing Facebook Defendants and Eduardo Saverin have significant scheduling conflicts in September and October, including a trial expected to continue through October 20, 2006 for Hopkins Guy, Facebook Defendants' lead counsel.

4. If the Court is available, counsel for all parties are available during the week of October 23, 2006, provided that the hearing date is scheduled no later than October 26, 2006.

5. Counsel for ConnectU has assented to the relief requested by this motion, namely that the hearing be rescheduled to the week of October 23, 2006, provided that the hearing date is scheduled no later than October 26, 2006.

6. This motion for a brief adjournment and rescheduling of the September 26, 2006 hearing is not interposed for purpose of delay.

WHEREFORE, for the foregoing reasons, Facebook Defendants respectfully request that the Court enter an Order adjourning and rescheduling the September 26, 2006 evidentiary hearing until the week of October 23, 2006, provided that the hearing date be set no later than October 26, 2006.

**Certification Pursuant To Local Rule 7.1**

Counsel for Facebook Defendants conferred with John F. Hornick, Esq., counsel for Plaintiff, on the rescheduling. Plaintiff's counsel has assented to rescheduling the hearing date to the week of October 23, 2006, provided that the hearing date be set no later than October 26.

Dated: September 6, 2006

Respectfully submitted,

*/s/ Jeremy P. Oczek*

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**Certificate of Service**

The undersigned hereby certifies that this document was filed through the ECF system on September 6, 2006 and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Jeremy P. Oczek

Jeremy P. Oczek